

### AMENDMENTS TO THE CLAIMS

1 (Canceled).

2 (Currently Amended). An apparatus comprising a structure sized and configured for implantation in tissue within a tongue ~~and/or vallecula~~ to fixate ~~and/or brace~~ tissue along a pharyngeal conduit, the structure comprising a shape memory material that assumes a desired mechanical condition in response to an activation force to resist collapse of the tongue in an airway.

3 (Currently Amended) (Withdrawn). An apparatus according to claim ~~1 or~~ 2, wherein the ~~structure~~ shape memory material comprises a plastic material, ~~and/or a metal material~~, and/or a fabric material, and/or a ceramic material, or a combination thereof.

4 to 10 (Canceled).

11 (Currently Amended) (Withdrawn). An apparatus according to claim ~~1 or~~ 2, wherein the ~~structure~~ shape memory material comprises a shape memory ferromagnetic material.

12 (Currently Amended). An apparatus according to claim ~~1 or~~ 2, wherein the ~~structure~~ shape memory material comprises a thermal shape memory material.

13 (Canceled).

14 (Currently Amended) (Withdrawn). An apparatus according to claim ~~13~~ 2, wherein the activation force includes a magnetic field, or temperature condition, ~~or electrical energy~~, or electromagnetic energy, or a combination thereof.

15 to 23 (Canceled).

24 (Currently Amended). A system comprising at least two apparatuses, at least one of the apparatuses comprising an apparatus as defined in claim ~~1 or~~ 2.

25 (Currently Amended). A system according to claim 24, wherein at least two of the apparatuses comprise an apparatus as defined in claim ~~1 or~~ 2.

26 to 28 (Canceled).

29 (Currently Amended). A method for implanting an apparatus in a tongue ~~and/or vallecula~~ comprising the steps of

providing at least one apparatus as defined in claim 2, and

implanting the apparatus in a tongue ~~and/or vallecula~~.

30 to 46 (Canceled).

47 (New). An apparatus according to claim 2, wherein the shape memory material comprises a metal material.

48 (New). An apparatus according to claim 2, wherein the activation force includes electrical energy.